

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

JOHN DOES 1-2, JANE DOES 1-3,)	
JACK DOES 1-750, JOAN DOES 1-750,)	
)	
Plaintiffs,)	Case No. 1:21-CV-05067-AMD-TAM
v.)	
)	
KATHY HOCHUL, in her official capacity as)	
Governor of the State of New York,)	
HOWARD A. ZUCKER, in his official capacity)	
as Commissioner of the New York State)	
Department of Health, TRINITY HEALTH,)	
INC., NEW YORK-PRESBYTERIAN)	
HEALTHCARE SYSTEM, INC.,)	
WESTCHESTER MEDICAL CENTER)	
ADVANCED PHYSICIAN SERVICES, P.C.,)	
)	
Defendants.)	

**DECLARATION OF DANIEL J. SCHMID IN SUPPORT
OF PLAINTIFFS' MOTION TO PROCEED USING PSEUDONYMS**

I, Daniel J. Schmid, do hereby declare as follows:

1. I am over the age of 18 years, have personal knowledge of the matters set forth in this Declaration, and if called upon to testify to them, I would and could do so competently.
2. I am Counsel for Plaintiffs in the above-captioned cause, have personally spoken to John Does 1-2 and Jane Does 1-3 in this matter, and have discussed with each of them the facts relevant to their claims in this action, the considerations leading to the institution of this action, and the potential issues pertaining to the public disclosure of their identities.
3. Based upon my conversations with the Plaintiffs, I have been informed by most Plaintiffs that should this Court deny Plaintiffs' request to proceed using a pseudonym, Plaintiffs would decline pursuit of their merited claims.

4. Though Plaintiffs desire to proceed with a determination of the merits of their claims against Defendants, Plaintiffs have informed me that public disclosure of their personal identities, personal medical decisions relating to the COVID-19 vaccines, personal religious beliefs concerning the issues underlying the above-captioned cause, and other personally identifying information would cause them to decline to further pursue their claims in this action.

5. The Plaintiffs who have informed me of their decisions to abstain from litigation that would identify them personally base their decisions upon their fears of retribution, reprisal, and ostracization because of their sincerely held religious beliefs concerning the COVID-19 vaccines and the mandates concerning such vaccines.

6. Plaintiffs have seen, reviewed, and brought to my attention various media articles and stories containing explicit threats to their persons, livelihoods, and sincerely held religious beliefs. In particular, Governor Hochul told Plaintiffs and other New Yorkers that instead of following their own sincerely held religious convictions, **they need to be her apostles rather than apostles of Jesus Christ**. See *Rush Transcript: Governor Hochul Attends Service at Christian Cultural Center*, (Sept. 26, 2021), <https://www.governor.ny.gov/news/rush-transcript-governor-hochul-attends-service-christian-cultural-center> (“I need you to be my apostles.”).

7. Specifically, Governor Hochul informed Plaintiffs and others with sincerely religious objections against receiving the COVID-19 vaccine that their religious beliefs were wrong, that they were not doing what God wanted them to do, and that they were ignorant.

God did answer our prayers. He made the smartest men and women, the scientists, the doctors, the researchers - he made them come up with a vaccine. That is from God to us and we must say, thank you, God. Thank you. **And I wear my ‘vaccinated’ necklace all the time to say I’m vaccinated. All of you, yes, I know you’re vaccinated, you’re the smart ones, but you know there’s people out there who aren’t listening to God and what God wants. You know who they are.**

Id. (emphasis added).

8. Additionally, Plaintiffs are aware of the following representative statements in the media:

- “Well one would have to wonder if the above is really true since both these **deplorable ‘Christian’ sociopathic groups** see no harm in placing innocents at risk of serious long term health problems or death.”
- “These people turn my stomach! Somebody’s fake religion has nothing to do with our health. **Such a lawsuit shouldn’t even be considered by the court. In fact, maybe as citizen, Americans ought to be suing the fools who put this lawsuit together.**”
- “**The Liberty Counsel is the Christian American Taliban.**”
- “This dangerous and deadly public health matter presents an opportunity to further control those who look to [religion] for spiritual nourishment.”
- “When your choice endangers everyone around you, **you are a public threat, and should be incarcerated,** just as you would be if you were firing a gun at random in a crowd.”

David Marino, Jr., *National religious group sues Janet Mills over vaccine mandate for health care workers*, Bangor Daily News (Aug. 25, 2021), https://bangordailynews.com/2021/08/25/news/national-religious-group-sues-mills-over-vaccine-mandate-for-health-care-workers/?fbclid=IwAR041tol0UwXSADIL0PX61ci__F-oqAdHEJ8ZC3n4NrBmZ91hMRMZ7rE73I (emphasis added).

9. Other examples of hostility towards religious objectors such as Plaintiffs abound. A recent guest on an MSNBC program referred to those seeking religious exemptions as “**bioterrorists**” and called for “**drone strikes**” against those who object to mandatory vaccines. See Hannah Bleau, *MSNBC Guest Calls for Drone Strikes on Americans Opposed to Vaccine Mandates* (Sept. 10, 2021), <https://www.breitbart.com/politics/2021/09/10/msnbc-guest-calls-drone-strikes-americans-opposed-vaccine-mandates/> (last visited Sept. 30, 2021). A commentator

on ABC News, *The Week*, stated that the government should “just make it almost impossible for people to – to live their lives without being protected and protecting the rest of us.” ABCNews, *The Week*, Transcript of 7-25-21 Show (July 25, 2021), <https://abcnews.go.com/Politics/week-transcript-25-21-speaker-nancy-pelosi-sen/story?id=79045738> (last visited Sept. 30, 2021). Other commentators on national media have made similar statements that those with religious objections to the vaccine “should be exiled from society until they get their shots.” Ryan Cooper, *There’s 1 obvious solution to the Delta variant: Mandatory vaccination* (July 23, 2021), <https://theweek.com/coronavirus/1002909/theres-1-obvious-solution-to-the-delta-variant-mandatory-vaccination> (last visited Sept. 30, 2021)

10. Moreover, given that many of their colleagues in the healthcare profession have faced ostracization, penalties, and scorn for their attempts to obtain the protection for their religious beliefs that federal law affords, Plaintiffs are concerned that disclosure of their identities will negatively impact all of their future abilities to obtain employment in New York. Indeed, the Governor’s statement that healthcare workers who seek a religious exemption from the COVID-19 vaccine will lose their livelihood and be otherwise unable to obtain employment has caused Plaintiffs significant fear of stigma because of the fact that their personal and sincerely held religious beliefs might cost them any chance of ever receiving employment again.

11. Plaintiffs fear that pursuit of their claims in the instant litigation without pseudonym protection will result in undue and unconscionable retaliation. Plaintiffs would not pursue their claims if required to disclose their personal identities to the public.

I declare under penalty of perjury under the laws of the United States and the State of Maine that the foregoing statements are true and correct.

/s/ Daniel J. Schmid
Daniel J. Schmid
Counsel for Plaintiffs